

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INLAND NORTHWEST RENAL CARE  
GROUP, LLC d/b/a NORTHPOINTE  
DIALYSIS,

Plaintiff,

v.

WEBTPA EMPLOYER SERVICES, LLC  
and FIRST CHOICE HEALTH NETWORK,  
INC.

Defendants.

No. C19-1758-JCC-SKV

**JOINT MOTION TO LIFT STAY AND  
ENTER NEW CASE SCHEDULING  
ORDER AND PROPOSED ORDER**

**NOTE ON MOTION CALENDAR:  
MARCH 11, 2022**

The Parties to the above-captioned action, Plaintiff Inland Northwest Renal Care Group, LLC d/b/a Northpointe Dialysis (“Northwest”), Defendant WebTPA Employer Services, LLC (“WebTPA”), and Defendant First Choice Health Network, Inc. (“First Choice”) (collectively, the “Parties”) regret to inform the Court that their efforts to resolve the case through mediation have proven unsuccessful, and hereby jointly move: (1) to lift the stay the Court entered in this action on February 4, 2022, and (2) for the Court to issue a new Case Scheduling Order. The Parties request that the Court set the trial date for April 24, 2023 and continue the remaining case deadlines by a period of six months. The Parties believe and agree that six months is sufficient time to complete their preparation of the case for trial and that the requested extension

1 is necessary, in the best interests of the Parties, and supported by good cause. In support of this  
2 Joint Motion, the Parties state as follows:

3 1. This lawsuit arises from a dispute between the Parties with regard to the rates  
4 that Defendant WebTPA paid for the dialysis and related services that Plaintiff Northwest  
5 provided to a specific patient under the PPO network operated by Defendant First Choice.

6 2. Plaintiff Northwest filed this action on October 30, 2019. On December 6, 2019,  
7 Defendant WebTPA moved to dismiss all claims against it. After extensive briefing, Judge  
8 Theiler issued a Report and Recommendation on March 26, 2020 recommending that  
9 WebTPA's motion be denied. Dkt. No. 44. The Court adopted Judge Theiler's Report and  
10 Recommendation on April 14, 2020. Dkt. No. 45.

11 3. Following the denial of WebTPA's motion to dismiss, the Parties began paper  
12 discovery in earnest, and those efforts continued until early 2021 when the Parties agreed to  
13 schedule a mediation for May 26, 2021. The Parties agreed to informally stay discovery  
14 pending the mediation in order to focus their efforts on preparing for the mediation.  
15 Unfortunately, the mediation was unsuccessful.

16 4. Immediately following the mediation, the Parties continued their diligent efforts  
17 to complete discovery. In late 2021, the Parties agreed to a framework to conduct further  
18 mediations in February 2022 in order to hopefully resolve the case without the need for further  
19 litigation.

20 5. In order to focus their efforts on settling this dispute, the Parties moved to stay  
21 this case and all related deadlines on February 2, 2022. Dkt. No. 67. On February 4, 2022, the  
22 Court granted that motion and entered an Order staying the case for a period of 90 days in order  
23 to permit the Parties to engage in settlement discussions. Dkt. No. 68.

24 6. Despite the Parties' good faith efforts, they have been unable to reach a mutually  
25 agreeable settlement. Therefore, the Parties now seek to lift the stay entered by the Court on  
26 February 4, 2022 and to complete preparation of the case for trial.

7. At present, all Parties have answered written discovery and produced documents and are resuming work to complete their remaining productions and resolve outstanding discovery disputes. Counsel for Northwest and WebTPA have held meet and confer conferences on June 1, 2021, June 28, 2021, July 6, 2021, and August 17, 2021 in a good faith effort to narrow their discovery disputes and move this case toward the most efficient resolution. However, as a result of their efforts over the past several months that they earnestly hoped would result in a settlement, the Parties agree that they are not currently in a position to meet the deadlines set forth in the current Case Scheduling Order.

8. The parties have conferred and stipulate and agree that a period of an additional six months is sufficient time to permit the parties to complete document and deposition discovery, seek resolution of any discovery disputes, and properly prepare their respective cases for trial. Due to a conflict for Northwest's counsel with another trial, the Parties request the Court set a new trial date for April 24, 2023. For the Court's convenience, the Parties have included a table below that sets forth: (1) the case deadlines that they seek to continue, (2) the current date of each deadline, and (3) the recommended new date for each deadline:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL set for 9:30 a.m. on	8/22/2022	4/24/2023
Length of trial	5 days	
Disclosure of expert testimony under FRCP 26(a)(2)	1/24/2022	7/25/2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	2/14/2022	8/15/2022
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter	2/23/2022	8/23/2022
Discovery to be completed by	3/25/2022	9/26/2022
All dispositive motions must be filed by this date and noted for consideration no later than the fourth Friday thereafter	4/25/2022	10/25/2022
Settlement Conference per LCR 39.1(c)(2) held no later than	5/24/2022	11/22/2022
Mediation per LCR 39.1(c) held no later than	6/23/2022	12/22/2022

1	All motions in limine must be filed by this date and noted for consideration no earlier than the third Friday after filing but no later than the Friday before the pretrial conference	7/25/2022	3/24/2023
2			
3	Agreed LCR 16.1 Pretrial Order Due	8/10/2022	4/10/2023
4	Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibits due by this date; Counsel are to confer and indicate with their submissions which exhibits are agreed to	8/15/2022	4/17/2023
5			
6	Pretrial Conference	To be set as needed	

7           9.       An extension will allow the Parties to complete the discovery necessary to  
8 properly prepare this case for trial.

9           10.      This is the parties' fourth request to extend the trial date in this action.

10          11.      A Proposed Order is submitted herewith.

11           WHEREFORE, the Parties respectfully request that the Court: (1) lift the stay entered  
12 in this action on February 4, 2022; (2) set a new trial date for April 24, 2023; and (3) issue a  
13 new Case Scheduling Order, consistent with the dates in the table set forth above, that continues  
14 the case deadlines by a period of six months.

Respectfully submitted by the Parties on this 11<sup>th</sup> day of March, 2022:

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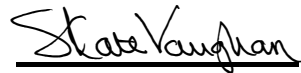
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**~~Proposed~~ Order**

The Parties' Joint Motion to Lift Stay and Enter New Case Scheduling Order is hereby GRANTED and IT IS HEREBY ORDERED that:

1. The stay entered in this action on February 4, 2022 is hereby lifted;
2. The trial date in this action, which is currently set for August 22, 2022, shall be reset to April 24, 2023; and
3. The Clerk shall issue a new Case Scheduling Order that continues the trial date to April 24, 2023, and all other remaining case deadlines for a period of six months, consistent with the table set forth in the foregoing Joint Motion.

**SO ORDERED this 14th day of March, 2022.**



S. KATE VAUGHAN  
United States Magistrate Judge